

Appl. No.: 10/034,817
Amendment Dated December 19, 2005
Reply to Office Action of September 26, 2005

REMARKS

Favorable reconsideration by the Examiner is respectfully solicited in light of the above amendments and the remarks which follow.

The number of claims has been significantly reduced in order to reduce the issues and expedite obtaining allowance of the remaining claims.

With the cancellation of claims 1-2 and 6-8, the rejection based upon Yoshida et al. in view of Reeder et al. is no longer applicable. The sole ground of rejection as to claims 9-12 and 14 is based upon Kaiser et al. in view Reeder et al. Reconsideration by the Examiner and withdrawal of this rejection are solicited.

The Kaiser et al. reference does not disclose or suggest a nonwoven fabric as claimed, which includes a first layer of carded staple fibers defining one outer surface of the fabric and a second layer of carded staple fibers defining an opposite outer surface of the fabric, and wherein the first layer which defines the one outer surface of the fabric comprises bicomponent or biconstituent fibers. Instead, Kaiser discloses a fabric comprising outer layers of polypropylene staple fibers and an inner layer comprising heat shrinkable bicomponent fibers. In this construction, the bicomponent fiber web is buried within the nonwoven fabric laminate. This is an important aspect of the Kaiser et al. invention since the heat shrinkable bicomponent fibers are insulated by the outer layers and do not shrink during calendaring. *See Col. 3, lines 21-37.*

In response to applicant's prior arguments on this point, the Examiner stated that "the instant claims employ open language and do not preclude the presence of additional layers." The claims do indeed use the open-ended "comprising" transition and thus are open to the inclusion of additional layers. However, the claims clearly specify a first layer "defining one outer surface of the fabric" and a second layer "defining an opposite outer surface of the fabric." Thus, if additional layers are present, they would be interior layers located between the first and second layers that define the outer surfaces of the fabric.

Thus it is clear that the structural arrangement recited in the claims is not taught by Kaiser et al. Furthermore, since Kaiser et al. explicitly teach that it is important for the bicomponent fiber layer to be an inner layer located between outer layers of polypropylene fibers, Kaiser et al. explicitly teach away from the structural arrangement claimed. Therefore, it

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would not be obvious to modify the Kaiser et al. structure to arrive at the structure claimed by applicant.

The Kaiser et al. reference also fails to teach or suggest constituting the two surface layers in such a way that the second layer comprises fibers of polypropylene and the first layer comprises polyethylene/polypropylene bicomponent or biconstituent fibers. The Kaiser reference also fails to teach or suggest the specific orientation of the bond sites as set forth in the claims. In particular, the claims specify that the bonds exhibit on the surface containing the bicomponent or biconstituent fibers a relatively non-indented configuration resulting from contact with a smooth calender roll, whereas the bonds on the opposite side of the fabric exhibit a relatively indented embossed configuration resulting from contact with the patterned calender roll.

As the standard for assessing obviousness, MPEP 706.02(j) lists the requirements for establishing a *prima facie* case of obviousness under 35 U.S.C. § 103: First, there must be some suggestion or motivation, either in the prior art references themselves or in the knowledge generally available to one of ordinary skill in the art, to combine reference teachings to arrive at the claimed invention. Second, there must be a reasonable expectation of success. The teaching or suggestion to make the combination of references and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. Finally, the prior art references must teach or suggest all of the claim limitations. It is respectfully submitted that these requirements have not been met and, therefore, a *prima facie* case of obviousness has not been established. The prior art does not teach all of the limitations recited in the claims. As noted above, and as apparently recognized by the Examiner, the Kaiser et al. reference does not teach or suggest the particular structural arrangement of layers as claimed, nor the specific orientation of the bond sites as set forth in the claims. These deficiencies are not cured by the Reeder et al. reference. Furthermore, there is no teaching or suggestion in the prior art of record of locating the bicomponent-containing layer at one outer surface of the fabric as claimed, or of orienting the bond sites in the orientation claimed.

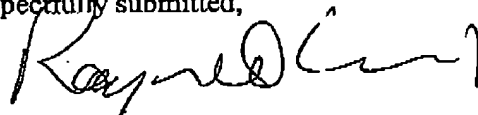
For the reasons noted, the obviousness rejection based upon the combination of Kaiser and Reeder is improper and should be withdrawn.

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In view of the foregoing, Applicant submits that the claims of record patentably distinguish over the prior art of record. Favorable reconsideration by the Examiner and formal notification of the allowance of these claims are respectfully solicited.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



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Raymond O. Linker, Jr.

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Date